

My Opposition to a MICHIGAN STATE HEALTH INSURANCE EXCHANGE

The Supreme Court will soon rule on the constitutionality of The Patient Protection and Affordable Care Act(PPACA) which may make the writing of a Michigan State Health Insurance Exchange meaningless.

The PPACA Exchanges are scheduled to be submitted for approval by the US Dept. of Health and Human Services by January 1, 2013 there is no hurry now to write them.

The PPACA grants HHS a nearly unlimited budget to fund a state-created exchange, the authority to create a federal exchange within the bill was created without any funding at all. If a significant number of states decline to run exchanges themselves, HHS will have to either go back to Congress for additional funding or find other means within its overall budget.^a

The Section 1311 of the PPACA mandates the creation of state exchanges and Section 1321 authorizes HHS to establish and exchange if a state refuses to comply, these subsidies are available only to those individuals enrolled in “an exchange established by the state under (Section) 1311.” The bill has no similar language authorizing the subsidizing of individuals within the federal exchanges.^b

The argument that if we write our own Exchange we will have some control over what is in it is probably not valid as Health and Human Services is not likely to allow us to have our own rules in our exchange no matter how we word it.^c

Writing an exchange bill while the Attorney General of the State of Michigan is currently part of a law suit against the PPACA being forced on the citizens of our sovereign State of Michigan by the Federal Government of the United States of America could undermine that law suit or at the very least Michigan would appear to be fighting with itself.

Not writing a Michigan Health Care Exchange along with other states could have the effect of forcing Congress to reopen and possibly repeal PPACA

Writing this exchange could destroy our Michigan Insurance Marketplace.^d ;therefore be it

In conclusion I ask that the Michigan state legislators and the Governor reject the “Health Insurance Exchange of the Patient Protection and Affordable Care Act.” It’s the right thing to do and it’s well within our state sovereignty to do so. I’d even suggest we move to nullify the bill as unconstitutional.

- a. Obamacare Federal Exchanges Could Be Stymied by States, Sept. 15, 2011, by Benjamin Domenech
- b. Obamacare Federal Exchanges Could Be Stymied by States, Sept. 15, 2011, by Benjamin Domenech
- c. <http://thehill.com/blogs/healthwatch/health-reform-implementation/200317-hhs-rejects-michigans-request-for-mlr-adjustment>, National Reports • May 20, 2011

<http://www.echfreedom.org/publication.php/5>

“Some State legislators believe a federally-approved Exchange established by the State will be better than a federally- imposed Exchange established by the Secretary of Health and Human Services (HHS). However, the federal law makes it clear that every Exchange must conform to federal requirements, including pending regulations. Thus, a “State Exchange” is actually an imposed Federal Exchange. Some might call it a "lobster trap" for States - once in, there's no getting out.”

- d. heartlander, Obamacare Exchange Scheme Could Destroy Insurance Marketplace, September 16, 2011 Kenneth Artz

From: GOV Press
Sent: Wednesday, January 18, 2012 4:45 PM
To: GOV Press
Subject: Governor Walker Turns Down ObamaCare Funding

January 18, 2012

For Immediate Release

Contact: Cullen Werwie, 608-267-7303

Governor Walker Turns Down ObamaCare Funding

Madison—Today Governor Walker announced he will not pursue the implementation of a health insurance exchange and has turned down Early Innovator Grant funding from the federal government. The Governor also will repeal the executive order that created the Office of Free Market Health Care.

“I have directed the Department of Health Services to notify the federal government that we will discontinue any development on a health exchange and that Wisconsin will turn down funding from the Early Innovator Grant program,” said Governor Walker. “Stopping the encroachment of ObamaCare in our state, which has the potential to have a devastating impact on Wisconsin’s economy, is a top priority. Wisconsin has been a leader and innovator in health care reform for two decades, and we have achieved a high level of health insurance coverage without federal mandates. When job creators and Wisconsin families are facing difficult times it doesn’t make sense to commit to a federal health care mandate that will result in hidden taxes for Wisconsin families, increased health care costs and insurance premiums, and more uncertainty in the private sector.”

Governor Walker will sign Executive Order 57 into law, which repeals the executive order that established the Office of Free Market Health Care.

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